

ASSEMBLY BILL

No. 1045

Introduced by Assembly Member John A. Perez

February 27, 2009

An act to amend Section 121023 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1045, as introduced, John A. Perez. HIV and AIDS reporting.

Existing law establishes various programs for the prevention of disease and the promotion of health to be administered by the State Department of Public Health, including, but not limited to, programs related to HIV and AIDS testing and for the reporting of information relating to HIV or AIDS infection.

Existing law requires each clinical laboratory, as defined, to report all CD4+ T-Cell test results to the local health officer within 7 days.

This bill would limit this reporting requirement to CD4+ T-Cell test results related to a case of HIV infection, but would permit a clinical laboratory to, instead, elect to report all CD4+ T-Cell test results, regardless of whether they relate to a case of HIV infection, in a manner specified by the local health officer. The bill would limit the local health officer's duty to report to the state in cases of duplication.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 121023 of the Health and Safety Code
2 is amended to read:

1 121023. (a) Each clinical laboratory, as defined in Section
2 1206 of the Business and Professions Code, shall report all CD4+
3 T-Cell test results *related to a case of HIV infection* to the local
4 health officer for the local health jurisdiction where the health care
5 provider facility is located within seven days of the completion of
6 the CD4+ T-Cell test. *A clinical laboratory may, instead, elect to*
7 *report all CD4+ T-Cell test results, regardless of whether they*
8 *relate to a case of HIV infection, in a manner specified by the local*
9 *health officer.*

10 (b) The clinical laboratory report with CD4+ T-Cell test results
11 shall also include, if provided by the ordering health care provider,
12 all of the following:

- 13 (1) The patient's name.
- 14 (2) The patient's date of birth.
- 15 (3) The patient's gender.
- 16 (4) The name, telephone number, and address of the local health
17 care provider that ordered the test.

18 (c) The clinical laboratory report with CD4+ T-Cell test results
19 shall also include all of the following information:

- 20 (1) CD4+ T-Cell test results expressed as an absolute count (the
21 number of lymphocytes containing the CD4 epitope per cubic
22 millimeter) and, if available, the relative count (the number of
23 lymphocytes expressing the CD4 epitope as a percentage of total
24 lymphocytes).
- 25 (2) The type of laboratory test performed.
- 26 (3) The date the laboratory test was performed.
- 27 (4) The name, telephone number, and address of the clinical
28 laboratory that performed the test.
- 29 (5) The laboratory CLIA number.
- 30 (6) The laboratory report number.

31 (d) (1) Each local health officer shall inspect each clinical
32 laboratory CD4+ T-Cell test report to determine if the test is related
33 to a case of HIV infection.

34 (2) If the clinical laboratory CD4+ T-Cell test result is related
35 to ~~a~~ *an unduplicated* case of HIV infection, the local health officer
36 shall report the case of HIV infection or AIDS, as appropriate, to
37 the State Department of Public Health within 45 days of receipt
38 of the laboratory report.

39 (3) If the clinical laboratory CD4+ T-Cell test result is not
40 related to a case of HIV infection, *or is related to a duplicated*

1 *case of HIV infection*, the local health officer shall destroy the
2 laboratory CD4+ T-Cell test report.

3 (e) Pursuant to Section 121025, CD4+ T-Cell test reports shall
4 not be disclosed, discoverable, or compelled to be produced in any
5 civil, criminal, administrative, or other proceeding.

6 (f) CD4+ T-Cell test reports shall be considered confidential
7 public health records as defined in Section 121035.

8 (g) For the purposes of this section, “CD4+ T-Cell test” means
9 any test used to measure the number of lymphocytes containing
10 the CD4 epitope.